

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

September 3, 2010

Mr. Charles A. Hathaway
(address withheld)
(address withheld)

Re: **WARNING NOTICE**
Amateur Radio License W8ROX
EB-10-GB-0104

Dear Mr. Hathaway:

In March of 2010, the Commission received several complaints of interference to the Century Club Net operating on 3902 KHz. At my request, staff at the Commission's monitoring station began investigating in order to determine the location of the interference. Over the next month, the staff at the monitoring station confirmed that the interference was taking place and used their direction finding equipment to determine that the signal was coming from a location north of Athens, Ohio. The Commission's Detroit Field Office was notified and they began a field investigation into the matter. On July 21, 2010 at approximately 10:20 PM, the field agents heard an audible transmission interrupt the ongoing Century Club Net. They began using their vehicle's direction finding equipment to determine the location of the offending party. At 12:40 AM, they had a positive DF to a beam antenna located at (address withheld). At that time, they knocked on the door and attempted to inspect the station. No one answered the door. They returned the next day at 4:21 PM and inspected the station.

During the inspection, you indicated to the agents that you were unaware that your station had been transmitting during the time in question because you had been having problems with your push to talk button getting turned on accidentally. As part of the inspection, the agents took pictures of your equipment, including a close up of your push to talk button and its relative position to your microphone and the rest of your equipment. Your argument that you were unaware that your station had been transmitting during the time in question because of this problem with your push to talk button is unpersuasive. One of the Commission's field agents specifically noted in his report that your push to talk button is not located on or near the rest of your equipment as it is strung through the handle of your desk drawer and away from the desk top where the

remainder of your equipment is located. Moreover, according to the agents, the push to talk button appeared to be in working order during the inspection.

Your operation as described above, and verified by the Commission's field staff, is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 of the Commission's rules and a violation of Section 97.101(d).¹ Please be advised that the Commission expects you to abide by its rules. This letter serves as notice that, if operation of this type reoccurs after receipt of this letter, you could be subject to severe penalties, including license revocation, monetary forfeiture (fines),² or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith
Special Counsel
Enforcement Bureau

Cc: Detroit Field Office
Northeast Regional Director

¹ See 47 C.F.R. §§ 97.1 and 97.101(d).

² Fines normally range from \$7,500 to \$10,000.